



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,691	10/24/2003	Takaya Matsuiishi	244421US2	6629
22850	7590	04/02/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
RUTLEDGE, AMELIA L.				
ART UNIT		PAPER NUMBER		
2176				
NOTIFICATION DATE		DELIVERY MODE		
04/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/691,691

Applicant(s)

MATSUSHITA, TAKAYA

Examiner

AMELIA RUTLEDGE

Art Unit

2176

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 7, 9-16 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 9-16, and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to: Amendment, entered 01/10/2008; Request for Continued Examination, filed 01/10/2008.
2. Claims 1, 2, 7, 9-16, and 21-26 are pending. Claims 1, 15, 16, 25, and 26 are independent claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7, 9-16, and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicholas, U.S. Patent No. 6,865,719 B1, issued March 2005, application filed August 2000.

Regarding independent claim 1, Nicholas discloses *a display data creating apparatus that creates display data representing a plurality of display sections, each of the display sections containing a prescribed type of information, in response to a request from a client apparatus supplied via a network, and transmits the display data to the client apparatus via the network,* because Nicholas teaches displaying a message or messages to the user containing a prescribed type of information (Fig. 2A; col. 2, l. 38-col. 3, l. 65), transmitting the display data to a client browser in response to a request via the network, such as the internet (col. 4, l. 16-50). Nicholas teaches that the message may transmit an alert to a user (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

Nicholas teaches *a display data creating apparatus comprising: a determination part that determines for at least one of the display sections whether the information to be contained in a current display section satisfies a prescribed condition based on display configuration definition information the prescribed condition indicating whether information contained in the current display section has been updated,* because Nicholas teaches that the message may transmit an alert to a user, for example when the price of a stock dips to a given price indicated by the user, i.e., a time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49). Nicholas discloses additional examples of information to be contained in a display message satisfying a prescribed condition indicating updated information (col.

16, l. 9-65). Therefore, Nicholas teaches that the displayed message is used to provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Nicholas teaches *wherein when the determination part determines that the prescribed condition is not satisfied for the current display section, then the display data creating apparatus creates the display data so that the current display section is minimized*; because Nicholas teaches that the message can be resized based on user activity in the display section so as to minimize or avoid interference with text, or the message can disappear based on user activity (col. 7, l. 36-52; col. 3, l. 1-23; Fig. 8B) or may be repositioned, resized, or disappear altogether when the cursor is positioned in space considered beyond the confines of the web page (col. 8, l. 25-35). Nicholas teaches that when the cursor is placed over certain on screen areas, the message can disappear, or be modified by fading, becoming transparent, and changing in size (col. 6, l. 50-63; Fig. 8B), and therefore Nicholas teaches minimizing the message display section.

Nicholas teaches *a display data creating part that automatically changes a display format of the current display section to enhance visual recognition if the information to be contained in the current display section satisfies the prescribed condition and has been updated, when creating the display data, wherein the display data creating apparatus creates the display data so that the current display section is*

expanded when the prescribed condition is satisfied, because Nicholas teaches that the message section can be expanded or enlarged when relevant to the user (col. 2, l. 38-54, especially l. 53-54). Nicholas teaches that the message can be expanded allowing the user to view more details based on user cursor activity (col. 11, l. 22-60). Nicholas teaches that the message program can run in the background of any electronic device to notify the user of information by showing the notification message when the given event occurs, (col. 15, l. 8-col. 16, l. 28), including a time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

Regarding dependent claim 2, Nicholas teaches *a display configuration managing part that manages the display configuration definition information including a determination function used in the determination carried out for the current display section, wherein the determination part determines whether the prescribed condition is satisfied in the current display section based on the determination function*, because Nicholas teaches that the displayed message is used to provide a notification to the user when a prescribed condition has been satisfied, and that the function for determining prescribed condition can be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 7, Nicholas teaches, *wherein the display data creating part creates the display data so that the current display section is arranged so as not to be below the other display sections when the prescribed condition is satisfied*,

because Nicholas teaches that the displayed message image is arranged to move over the display screen as the cursor icon moves, staying with the user focus of attention (col. 2, l. 54-col. 3, l. 12; Fig. 4B; fig. 8A).

Regarding dependent claim 9, Nicholas teaches *wherein the display data creating part updates the current display section based on the display configuration definition information managed by the display configuration managing part*, because Nicholas teaches that the displayed message is used to update the display and provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 10, Nicholas teaches *wherein the display configuration definition information of each of said at least one of the display sections includes the determination function*, because Nicholas teaches that each message has the determination function (Fig. 8A, col. 12, l. 49-col. 13, l. 54).

Regarding dependent claim 11, Nicholas teaches *wherein the display configuration definition information includes information indicating whether or not the prescribed condition is set for each of the display sections*, because Nicholas teaches steps of determining whether a trailing message feature is active, and if not the trailing message can be removed (Fig. A8, step 806; col. 12, l. 49-64). Nicholas teaches additional steps including repositioning the message to overlap the text or input field (col. 13, l. 10-32).

Nicholas teaches *the display configuration definition information defining the display section for which the prescribed condition is set includes the determination function*, because Nicholas teaches that each message has the determination function (Fig. 8A, col. 12, l. 49-col. 13, l. 54). Nicholas teaches that the displayed message is used to update the display and provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 12, Nicholas teaches *wherein the display configuration data includes an information acquiring function required to obtain necessary information for each of the display sections, wherein the display data creating part acquires the information to be contained in the current display section based on the corresponding information acquiring function*, because Nicholas teaches that the displayed message is used to update the display and provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Regarding dependent claim 13, Nicholas teaches, *wherein: the information to be contained in the current display section is information representing the condition of equipment connected on the network; the determination part determines whether malfunction has occurred in the equipment; and the display data creating part updates the current display section so as to indicate the occurrence of malfunction if it is*

determined that malfunction has occurred in the equipment, because Nicholas teaches that the message display can be used for network administration alerts of problems on the network (col. 16, l. 55-65; col. 15, l. 25-43).

Regarding dependent claim 14, Nicholas teaches, *wherein: the information to be contained in the current display section is information stored in a database connected on the network; the determination part determines whether the database has been updated; and the display data creating part updates the current display section so as to present the information stored in the database if it is determined that the database has been updated*, because Nicholas teaches updating the message display to send user notifications of information repositories, i.e., databases connected on the network, when the data has been changed (col. 16, l. 8-28; col. 15, l. 25-43).

Regarding independent claim 15, claim 15 reflects the display data transmission system used to implement the display data creating apparatus as claimed in independent claim 1, and is rejected along the same rationale.

Regarding independent claim 16, Nicholas teaches *a method for transmitting display data comprised of a plurality of display sections, each display section containing a prescribed type of information, to a client apparatus*, because Nicholas teaches displaying a message or messages to the user containing a prescribed type of information (Fig. 2A; col. 2, l. 38-col. 3, l. 65), transmitting the display data to a client browser in response to a request via the network, such as the internet (col. 4, l. 16-50). Nicholas teaches that the message may transmit an alert to a user (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

Nicholas teaches *upon receiving a request from the client apparatus, determining for at least one of the display sections whether information to be contained in a current display section satisfies a prescribed condition based on display configuration definition information the prescribed condition indicating whether information contained in the current display section has been updated*, because Nicholas teaches that the message may transmit an alert to a user, for example when the price of a stock dips to a given price indicated by the user, i.e., a time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49). Nicholas discloses additional examples of information to be contained in a display message satisfying a prescribed condition indicating updated information (col. 16, l. 9-65). Therefore, Nicholas teaches that the displayed message is used to provide a notification to the user when a prescribed condition has been satisfied, and that the prescribed condition may be based on user cursor activity in the display (Fig. 8B; col. 2, l. 54-col. 3, l. 23), or on a notification to the user when information has been updated (col. 3, l. 49-col. 4, l. 15).

Nicholas teaches *wherein when the determining determines that the prescribed condition is not satisfied for the current display section, then the display data is created so that the current display section is minimized*; because Nicholas teaches that the message can be resized based on user activity in the display section so as to minimize or avoid interference with text, or the message can disappear based on user activity (col. 7, l. 36-52; col. 3, l. 1-23; Fig. 8B) or may be repositioned, resized, or disappear altogether when the cursor is positioned in space considered beyond the confines of the

web page (col. 8, l. 25-35). Nicholas teaches that when the cursor is placed over certain on screen areas, the message can disappear, or be modified by fading, becoming transparent, and changing in size (col. 6, l. 50-63; Fig. 8B), and therefore Nicholas teaches minimizing the message display section.

Nicholas teaches *creating the display data by automatically changing a display format of the current display section to enhance visual recognition in accordance with the determination result if the information to be contained in the current display section satisfies the prescribed condition and has been updated, wherein the display data is created so that the current display section is expanded when the prescribed condition is satisfied*; because Nicholas teaches that the message section can be expanded or enlarged when relevant to the user (col. 2, l. 38-54, especially l. 53-54). Nicholas teaches that the message can be expanded allowing the user to view more details based on user cursor activity (col. 11, l. 22-60). Nicholas teaches that the message program can run in the background of any electronic device to notify the user of information by showing the notification message when the given event occurs, (col. 15, l. 8-col. 16, l. 28), including a time critical event, the alert indicating that the information has been updated (col. 15, l. 55-col. 16, l. 8; col. 17, l. 25-49).

Nicholas teaches *transmitting the created display data to the client apparatus via a network* (col. 15, l. 25-43; col. 2, l. 38-50).

Regarding dependent claim 21, claim 21 reflects the methods used for the display data creating apparatus as claimed in dependent claim 7, and is rejected along the same rationale.

Regarding dependent claim 23, claim 23 reflects the methods used for the display data creating apparatus as claimed in dependent claim 13, and is rejected along the same rationale.

Regarding dependent claim 24, claim 23 reflects the methods used for the display data creating apparatus as claimed in dependent claim 14, and is rejected along the same rationale.

Regarding independent claim 25, claim 25 reflects the machine readable program executed by a display data creating apparatus used to implement the methods as claimed in independent claim 16, and is rejected along the same rationale.

Regarding independent claim 26, claim 26 reflects the recording medium storing a machine readable program executed by a display data creating apparatus used to implement the methods as claimed in independent claim 16, and is rejected along the same rationale.

Response to Arguments

Applicant's arguments entered 01/10/2008 have been fully considered but they are not persuasive. Applicant has amended independent claims 1, 15, 16, 25, and 26 to add the limitations *wherein when the determination part determines that the prescribed condition is not satisfied for the current display section, then the display data creating apparatus creates the display data so that the current display section is minimized; and*

...

...wherein the display data creating apparatus creates the display data so that the current display section is expanded when the prescribed condition is satisfied; (Claim 1).

A new search was performed pursuant to applicant's amendments to the independent claims, and the Nicholas patent was located. Applicant's arguments with respect to claims 1, 2, 7, 9-16, and 21-26 have been considered but are moot in view of the new ground(s) of rejection, Nicholas, which is relied upon to teach the newly claimed limitations, and which anticipates claims 1, 2, 7, 9-16, and 21-26 under 35 U.S.C. 102(e).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pasquali	U.S. Patent No. 6,272,493 B1	issued	August 2001
Horvitz et al.	U.S. Patent No. 7,249,159 B1	issued	July 2007
Koch	U.S. Patent No. 7,207,008 B1	issued	April 2007

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Amelia Rutledge/
Examiner, Art Unit 2176